

Remarks

Applicant has reviewed the Office Action dated as mailed April 20, 2005, and the documents cited therewith. After the above amendments have been made, the present application contains claims 1- 26, 28-34 and 36-71. Claims 1, 2, 5, 8, 23, 28, 31, 34, 43, 54 and 66 have been amended and claims 27 and 35 have been cancelled.

Claim Rejections under 35 U.S.C. §102

Claims 1, 2, 8-28 and 34-50 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Kleier et al. (U.S. 2002/0009990) herein after Kleier. This rejection is respectfully traversed. Turning initially to the rejection of independent claim 1 under 35 U.S.C. § 102 (e) as being anticipated by Kleier, claim 1 has been amended to recite:

“asking a user if a voice call is to be established; establishing the voice call with each communication device of the multiparty call group in response to the user indicating that the voice call is to be established; asking the user if a voice mail message is to be sent in response to the user indicating that the voice call is not to be established; prompting the user to record the voice mail message in response to the user indicating that the voice mail message is to be sent to each communication device of the multiparty call group; and prompting the user to enter a text message in response to the user indicating that the voice mail message is not to be sent.”

In contrast, Kleier teaches in paragraph 0005:

“[T]he connection set-up can be initiated by the participant initiating the telephone conference in that he calls the telephone number (stored, for example in the phone book of his mobile terminal or his mobile subscriber identity card) and the connections to the participants in the telephone conference are set up in that an element (server) at the telecommunication network end sets up connections to these participants stored in a list...”

Additionally Kleier teaches in paragraph 0006:

“[A] telephone conference connection for a group of participants (for example after a telephone number triggering the connection set-up has been called) is set up in such a manner that an element (server) at the telecommunication network end transmits a message (for example SMS PtP short message or WAP Deck/WAP Card) to the participants in the list for this group, a telecommunication connection to a participant being set up by him dialing a conference telephone number (bridge) (previously transmitted to him in a message).”

Applicant respectfully submits that there is no teaching or suggestion in Kleier of asking a user if a voice call is to be established; establishing the voice call in response to the user indicating that voice call is to be established; asking the user if the voice mail message is to be sent in response to the user indicating the voice call is not to be established; prompting the user to record the voice mail message in response to the user indicating that the voice mail message is to be sent; and prompting the user to enter a text message in response to the user indicating that the voice mail message is not to be sent as provided by the present invention as recited in amended claim 1. Kleier automatically sends a message to the participants in the list for the group to provide a telephone number for the participant to dial into the conference call. Kleier does not teach or suggest prompting the user to enter a text message to be sent to the communication devices in the multiparty call group if neither a voice call is established nor a voice mail message is sent as provided by the present invention in amended claim 1. Accordingly, Applicant respectfully submits that claim 1, as amended, is patentably distinguishable over Kleier, and reconsideration and withdrawal of the 35 U.S.C. § 102 rejection of claim 1 is respectfully requested.

With respect to the rejection claims 2 and 8-22, these claims contain additional feature which further patentably distinguish over Kleier. For example, claim 8 recites “transmitting the text message to each communication device in the multiparty call group in response to the user entering the text message”. As previously discussed, Kleier does not teach or suggest that the user enters a text message into his communication device for transmission to each communication device in the multiparty call group. In contrast, Kleier teaches that the telecommunication network end transmits a message to participants, not the user’s device as provided by claim 8. Further, the text message provides the participant with a telephone number (bridge) for the participant to call to participate in the conference call. The text message is not a text message entered by the user as provided by the present invention as recited in the claims. Furthermore, these claims depend either directly or indirectly from independent claim 1. By virtue of this dependency, these claims contain all of the features of independent claim 1. Therefore, applicant respectfully submits that claims 2 and 8-22 are also patentably

distinguishable over Kleier, and reconsideration and withdrawal of the 35 U.S.C. § 102 (e) rejection of these claims is respectfully requested.

Turning now to the rejection of independent claim 23 under 35 U.S.C. § 102 (e) as being anticipated by Kleier, claim 23 has been amended to recite:

“providing the user options to communicate with multiple communications devices in the multiparty call group by selecting one of establishing a voice call with each communications device, transmitting a voice mail message to each communications device and transmitting a text message to each communications device.”

As discussed above with respect to independent claim 1, Kleier does not teach or suggest the above recited features of independent claim 23. Kleier merely teaches setting up a conference call and does not teach or suggest providing the user options to communicate with multiple communication devices in a multiparty call group by selecting one of establishing a voice call, transmitting a voice mail message and transmitting a text message as provided by the present invention as recited in independent claim 23. Accordingly, applicant respectfully submits that independent claim 23 is patentably distinguishable over Kleier, and reconsideration and withdrawal of the 35 U.S.C. § 102 rejection of claim 23 is respectfully solicited.

With respect to the rejection of claims 24-28 and 34-42, claims 27 and 35 have been cancelled and the other claims recite features which further patentably distinguish over Kleier. For example, claims 34 and 36-37 recite transmitting a text message to each communications device in the multiparty call group in response to the user entering the text message. As previously discussed, Kleier does not teach or suggest sending a text message from the user's communication device in response to the user entering the text message. In contrast, Kleier teaches that the telecommunications network end (not the user's communication device as in Applicant's invention) transmits a message to participants to invite them to dial a conference telephone number (see paragraph 0006 of Kleier).

Additionally, claim 41 recites “wherein the multiparty call group is stored in a storage device associated with the mobile switching center” and claim 42 recites “permitting the user to simultaneously communicate with each communication device in the multiparty call group and with at least one communication device not in the multiparty call group.”

Further, these claims depend either directly or indirectly from independent claim 23. Because of this dependency, claims 24-26, 28-34 and 36-42 contain all of the features of

independent claim 23. Therefore, for all of the reasons discussed above, these claims are also submitted to be patentably distinguishable over Kleier, and reconsideration and withdrawal of the 35 U.S.C. § 102 rejection of these claims is respectfully requested.

Turning now to the rejection of independent claim 43 under 35 U.S.C. § 102 (e) as being anticipated by Kleier, claim 43 has been amended to recite:

“means for asking a user if a voice call is to be established; means for establishing the voice call with each communication device of the multiparty call group in response to the user indicating that the voice call is to be established; means for asking a user if a voice mail message is to be sent in response to the user indicating that the voice call is not to be established; means for prompting the user to record the voice mail message in response to the user indicating that the voice mail message is to be sent to each communication device of the multiparty call group; and means for prompting the user to enter a text message in response to the user indicating that the voice mail message is not to be sent.”

Accordingly, claim 43 has been amended to recite similar features to those included in amended claim 1 which as discussed above patentably distinguishes over Kleier. Therefore, Applicant respectfully submits that independent claim 43, as amended, patentably distinguishes over Kleier, and reconsideration and withdrawal of the 35 U.S.C. § 102 rejection of claim 43 is respectfully requested.

With respect to the rejection of claim 44-50 under 35 U.S.C. § 102 (e) as being anticipated by Kleier, these claims recite additional features which further patentably distinguish over Kleier. Additionally, these claims depend either directly or indirectly from independent claim 43, and by virtue of that dependency contain all of the feature of independent claim 43. Therefore, applicant respectfully submits that claims 44-50 are also patentably distinguishable over Kleier, and reconsideration and withdrawal of the Section 102 of these claims is respectfully requested.

Claim Rejections under 35 U.S.C. §103

Claims 54-59 and 64-69 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kleier. This rejection is respectfully traverse. Turning initially to the rejection of independent

claim 54 under 35 U.S.C. § 103 (a) as being unpatentable over Kleier, claim 54 has been amended to recite:

“means to selectively perform at least one of establish a voice call with each communication device in the multiparty call group, transmit a voice mail message to each communication device in the multiparty call group and transmit a text message to each communication device in the multiparty call group.”

As previously discussed, Kleier teaches establishing a conference call between participants and sending a message to potential participants including a telephone number into which a participant may call to participate in the conference call. Kleier does not teach or suggest means to selectively perform at least one of establish a voice call, transmit a voice mail message and transmit a text message as provided by the present invention as recited in amended claim 54. Therefore, Applicant respectfully submits that claim 54, as amended, is patentably distinguishable over Kleier. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claim 54 is, therefore, respectfully solicited.

Regarding the rejection of claim 55-59 and claims 64-65, these claims depend either directly or indirectly from independent claim 54, and by virtue of this dependency, contain all of the features of independent claim 54. Applicant respectfully submits that these claims are also patentably distinguishable over Kleier, and reconsideration and withdrawal of the Section 103 rejection of these claims is therefore respectfully requested.

Turning now to the rejection of independent claim 66 under 35 U.S.C. § 103 (a) as being unpatentable over Kleier, independent claim 66 has been amended to recite the same features as independent claim 1. Therefore, for all of the reason discussed above with respect to independent claim 1, Applicant respectfully submits that claim 66 is also patentably distinguishable over Kleier, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of independent claim 66 is respectfully solicited.

Regarding the 35 U.S.C. § 103 rejection of claims 67-69 as being unpatentable over Kleier, these claims contain additional features which further patentably distinguish over Kleier. Additionally, these claims depend either directly or indirectly from independent claim 66. Because of this dependency, these claims contain all of the features of independent claim 66. Therefore, applicant respectfully submits that claims 67-69 are also patentably distinguishable

over Kleier, and reconsideration and withdrawal of the Section 103 rejection of claims 67-69 is respectfully solicited.

Claims 3, 29, 52, 60 and 70 were rejected under 35 U.S.C. § 103 as being unpatentable over Kleier in view of Chang et al. The Office Action provided a publication number for Chang of US 2002/0072354. However in attempting to get a copy of Chang using this number a Patent Application Publication to Kundaje et al. corresponds to this Publication Number. Additionally, the Office Action refers to a paragraph 56 in Chang but there are only 34 paragraphs in Kundaje. Additionally, neither Chang nor Kundaje are listed in form PTO-892 Notice of References Cited attached to the Office Action. Applicant respectfully requests that the appropriate reference be applied to the claims and that another non-final Office Action be provided so that Applicant can effectively respond to the rejection. However, in the interest of advancing the prosecution of the present application, Applicant respectfully submits that claim 3 depends indirectly from independent claim 1, claim 29 depends indirectly from independent claim 23, claim 52 depends indirectly from independent claim 43, claim 60 depends indirectly from independent claim 54, and claim 70 depends indirectly from independent claim 66. As previously discussed each of these referenced independent claims have been amended to patentably distinguish over Kleier. And as indicated in the Office Action the feature for which either Chang or Kundaje was cited would not render any of these independent claims unpatentable when combined with Kleier. Therefore, Applicant respectfully submits that claim 3, 29, 52, 60 and 70 are patentably distinguishable over Kleier and Chang or Kundaje, whether considered individually or collectively, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully requested.

Claims 4, 30, 61 and 71 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kleier in view of Bradshaw, Jr. (U.S. Patent 6,236,854). Applicant respectfully submits that there is no teaching or suggestion in Kleier or Bradshaw that their teachings may be combined to provide the present invention as recited in the claims. Referring to Figure 10 of Kleier, Kleier clearly shows that the conference call is established by a bridge 18 and a server 7 and there is no teaching or suggestion that a mobile switching center may be used to control a conference call as provided by Bradshaw. Accordingly, Applicant respectfully submits that a person of skill in the art would not be motivated to combine the teachings of Bradshaw with Kleier.

Even if it were proper to combine the teachings of Kleier with Bradshaw, they still would not provide the present invention as recited in the claims. Claim 4 depends indirectly from independent claim 1, claim 30 depends indirectly from independent claim 23, claim 67 depends indirectly from independent claim 54, and claim 71 depends indirectly from independent claim 67. By virtue of these dependencies, claims 4, 30, 61 and 71 contain all of the feature of the referenced base claim and any intermediate claims. Additionally, Applicant respectfully submits that Bradshaw adds nothing to the teachings of Kleier so as to render independent claim 1, 23, 54 and 66 unpatentable. Accordingly, applicant respectfully submits that claims 4, 30, 61 and 71 are also patentably distinguishable over Kleier and Bradshaw, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of these claims is respectfully solicited.

Claims 5, 6, 31-33, 51, 62 and 63 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kleier in view of Barber et al. (U.S. Patent 6,088,435). Barber was cited for teaching a conference call invitation being in the form of a pre-stored voice message. Kleier however teaches that the telecommunications network transmits a text message to participants including a conference telephone number that participants may then use for dialing into a conference call. Applicant respectfully submits that there is no teaching or suggestion in Barber or Kleier that their teachings may be combined so as to provide the present invention.

Even if it were proper to combine Kleier and Barber, they still would not provide the present invention as recited in the claims. Claims 5 and 6 depend either directly or indirectly from independent claim 1, claims 31-33 depend either directly or indirectly from independent claim 23, claim 51 depends directly from independent claim 43, and claims 62 and 63 depend indirectly from independent claim 54. By virtue of these dependencies, claims 5, 6, 31-33, 51, 62 and 63 contain all of the features of the referenced base independent claim and any intervening claims. Applicant respectfully submits that Barber adds nothing to the teachings of Kleier so as to render independent claims 1, 23, 43 and 54 unpatentable as discussed above. Therefore, Applicant respectfully submits that claims 5, 6, 31-33, 51, 62 and 63 are patentably distinguishable over Kleier and Barber, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of these claims is respectfully requested.

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Kleier in view of Barber and in view of Bradshaw. As discussed above, applicant respectfully submits that there is no teaching or suggestion in Kleier, Barber and Bradshaw that their teachings may be combined so as to provide the present invention and such motivation merely follows from the present application. Additionally, claim 7 depends indirectly from independent claim 1 and by virtue of that dependency contains all of the features of claim 1. As discussed above, Barber and Bradshaw add nothing to the teachings of Kleier so as to render independent claim 1 unpatentable. Therefore, Applicant respectfully submits that claim 7 is also patentably distinguishable over Kleier, Barber and Bradshaw, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claim 7 is respectfully solicited.

Claim 53 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kleier in view of Chang and in view Bradshaw. As previously discussed, the publication number cited in the Office Action in associated with Chang is actually the publication number for Kundaje and no reference number is provided for either Chang or Kundaje in PTO-892 Notice of References Cited. Applicant respectfully requests that a proper reference to Chang be provided in a subsequent non-final Office Action so that the applicant can properly respond to the rejection. However, in the interest of advancing the prosecution of the present application, Applicant respectfully submits that claim 53 depends indirectly from independent claim 43, and by virtue of that dependency contain all of the features of independent claim 43. As discussed above, claim 43 has been amended to patentably distinguish over Kleier. Therefore, Applicant respectfully submits that claim 53 is also patentably distinguishable over Kleier and the combination with Change and Bradshaw would have no effect on the status of these claims. Therefore, applicant respectfully submits that claim 53 is patentably distinguishable over Kleier, Chang and Bradshaw, whether considered individually or combined and reconsideration and withdrawal the Section 103 rejection of claim 53 is respectfully solicited.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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